

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Matthew W. Kay, Matthew J. Laughlin, and Colin P. Campbell  
Serial No.: 09/384,182  
Filed: OCT 25 1999 August 27, 1999  
For: TELEVISION COMMERCE SYSTEM  
Attorney Docket No.: 108924.116

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**ATTN: BOX MISSING PARTS**

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed on September 14, 1999, filing date granted, applicants submit the following documents for filing in the above-referenced patent application:

1. An executed Combined Declaration and Power of Attorney form;
2. Statement Claiming Small Entity Status;
3. A copy of the Notice to File Missing Parts of Application; and
4. Return Postcard.

The Commissioner is hereby authorized to debit our Deposit Account No. 08-0219 the surcharge fee of \$65.00 for the Declaration, the basic filing fee of \$380.00, and additional claim fees of \$72.00 for 8 claims over 20, and \$39.00 for 1 independent claim over 3. The Commissioner is also hereby authorized to debit Deposit Account No. 08-0219 any required fee necessary to maintain the pendency of this application.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,



Date: October 21, 1999

Michael A. Diener  
Registration No. 37,122

HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
Telephone: 617-526-6454

Sector/1

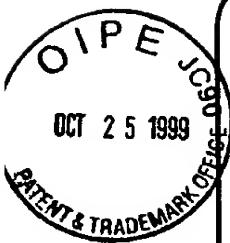
PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box → 

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/384,182
		Filing Date	August 27, 1999
		First Named Inventor	Kay
		Group Art Unit	2776
		Examiner Name	Not Assigned
Total Number of Pages in This Submission	--	Attorney Docket Number	108924.116

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Executed Combined Declaration & Power of Attorney; Copy of Missing Parts
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael A. Diener Reg. No. 37,122
Signature	
Date	October 21, 1999

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 10/21/99

Typed or printed name	Karen Kenney		
Signature		Date	10/21/99

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Matthew W. Kay, Matthew J. Laughlin, and Colin P. Campbell

Serial No.: 09/384,182

Filed: August 27, 1999

Title: TELEVISION COMMERCE SYSTEM

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I declare that I am an official of, and am empowered to act on behalf of CommerceTV Corporation, a Delaware corporation, which qualifies as a small business concern as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, U.S.C., to the Patent and Trademark Office with regard to the above-identified invention.

CommerceTV Corporation has exclusive rights to the invention and has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person or entity that could not be classified as a small entity under 37 CFR 1.9(c)-(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Official: Matthew W. Kay  
Title of Official: President & Chief Executive Officer

Signature of Official

9/23/99

Date



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
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09/384,182 08/27/99 KAY

M 108-924.116

MICHAEL A DIENER ESO  
HALE AND DORR LLP  
60 STATE STREET  
BOSTON MA 02109

NOT ASSIGNED



2776

DATE MAILED:

09/14/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed)  non-small entity is \$ 1112.00.

1. The statutory basic filing fee is:

- missing.  
 insufficient.

Applicant must submit \$ 768.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 144 for 8 total claims over 20.

\$ 78 for 1 independent claims over 3.

\$            for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unsigned.  
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

10/28/1999 CVERACHA 00000074 09384182  
01 FC:201 380.00 CH  
02 FC:203 72.00 CH  
03 FC:202 39.00 CH  
04 FC:205 65.00 CH

09/14/99 CH  
380.00 CH  
72.00 CH  
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04 FC:205